

New York City Environmental Justice Listening Session

Last year, the U.S. Environmental Protection Agency (EPA) held a one-day Environmental Justice (EJ) Listening Session for New York City environmental justice advocacy groups and community-based organizations. Environmental Justice Listening Sessions are solution-oriented meetings, conducted with communities in partnership with federal, state, tribal, and local government representatives. Their purpose is to elicit concerns about and interest in environmental problems and to explore ways to work effectively towards mutually beneficial solutions.

Over 100 individuals and community representatives attended the session, as well as representatives from the New York State Department of Environmental Conservation (NYSDEC) and New York City (NYC) Offices of Legislative Affairs, Environmental Coordination, and Long-Term Planning and Sustainability. Participants provided government representatives with information about local environment, public health, and quality of life concerns affecting the residents of their particular communities.

This report summarizes the questions, comments and concerns expressed by participants representing communities from all five New York City boroughs and provides answers to many of the questions raised at the session. The responses are mainly organized by subject area, since many of the concerns were similar or overlapped, despite coming from representatives of different neighborhoods. Some, which were neighborhood or issue-specific, have been addressed in separate segments. Issues specific to NYC and New York State regulations or authorities were addressed directly by the respective agencies.

We hope that you will find the information contained in this report informative.

If you have questions regarding EPA responses in the report, contact Terry Wesley, Environmental Justice Coordinator, via e-mail at wesley.terry@epa.gov. Questions about NYSDEC responses should be addressed to Lisa F. Garcia, Chief Advocate for Environmental Justice and Equity, at lfgarcia@gw.dec.state.ny.us. Questions about the NYC Mayoral Office and Agencies responses should be addressed to Kizzy Charles-Guzman, Policy Advisor, Office of Long-Term Planning and Sustainability at kguzman@cityhall.nyc.gov

NEW YORK CITY ENVIRONMENTAL JUSTICE LISTENING SESSION
Responses to Questions, Comments and Concerns
August 2009

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Air Quality

Air quality was a major area of concern for many of the participating individuals and organizations. One participant suggested that air monitors should be placed near the street level to capture what “people are actually breathing.”

- **EPA:** Actually, EPA does require that monitors be placed in locations most representative of the air people breathe while they live, work, eat and sleep - and that is, in general, two and 15 meters above ground level. EPA's criterion also requires the probe to be at least one meter away from any obstruction or building that may interfere with the monitor's operation. In addition to looking for sites that meet these criteria, the EPA and the states take into account the ease of obtaining a source of power for the monitoring site as well as ensuring security of the equipment at the monitoring location. While locating a monitor at the street level is useful for tracking trends in traffic, for example, or for determining short-term exposure for people who might work in the street - it is not representative of a “neighborhood's exposure.” We should also note that in New York City, many of the monitors are located on schools and capture data on the exposure of our city's most sensitive population.

Other air quality concerns focused on the city's high asthma rates and the impact of truck traffic in certain neighborhoods.

- **EPA:** EPA has for many years worked with communities to address concerns about air quality from vehicles, including partnering with West Harlem Environmental Action (WEACT) and others to host an alternative fuel vehicles workshop that promoted cleaner alternative fueled vehicles for NYC fleets to address air quality.

In addition and more recently, EPA worked closely with Columbia University to ensure that any construction that is ultimately carried out for its expansion program be done in a manner that is as “green” and community-friendly as possible. EPA recently awarded Columbia University a \$2 million grant that will allow the university to retrofit up to 78 construction vehicles used on the Manhattanville campus expansion project in Harlem with diesel particulate filters. Additionally, EPA and the state are working on voluntary ways to expand rail freight capacity and use to reduce diesel truck trips in the NYC Metro area. It should be noted, however, that the New York City Department of Transportation maintains authority to determine how trucks move about on the streets of New York City.

The most recent studies performed by EPA show that high asthma rates/incidence have a direct correlation with factors such as tobacco smoke exposure and obesity, the latter especially in children. These are factors over which EPA generally does not have lead responsibility. We note that the NYC Department of Health and Mental Hygiene (NYC DOHMH) has the NYC Asthma Partnership, which is effectively working to lower asthma rates in NYC. Their work has produced positive results, and asthma incidence in NYC appears to be decreasing.

- NYSDEC: The New York State Environmental Justice Interagency Task Force is creating a Mapping Work Group that will develop a database of GIS maps and tables of community-level environmental issues, including asthma data from NYS Department Of Health (NYSDOH) and possibly truck traffic data, that will help state and federal agencies focus on areas with poor air quality and respiratory health.

On October 31, 2008, the NYSDEC launched a long-term enforcement action to cut down on the health risks associated with smoking and idling diesel trucks and buses in New York City, especially in communities that have been disproportionately impacted by pollution. The effort is being led by the Office of Environmental Justice, working with NYSDEC's Law Enforcement Office. NYC is joining NYSDEC in this enforcement action. Every month NYSDEC will implement a NYSDEC police pullover operation in one of the five NYC boroughs and issue tickets to diesel trucks that are spewing out dirty smoke in violation of air regulations, particularly in environmental justice communities. Each time a smoking truck enforcement action is set up, NYSDEC and NYC will also concentrate on hot spots of idling trucks and buses in the same area and issue tickets for idling. The long-term enforcement plan will focus on hot spots where heavy truck traffic enters or exits a neighborhood, such as on bridges and feeder streets, or in areas where diesel trucks are found to congregate, such as wholesale markets, waste disposal facilities, and transportation hubs.

In June 2009, NYSDEC rolled out a pilot project to broaden its idling mitigation efforts by creating "I-Watch Teams," to assist the community in identifying idling hot spots, and in informing the truck and bus operators of their legal responsibilities. The teams consisting of community volunteers watch and report idling trucks and determine patterns of idling or queuing of trucks. The information could then be used to report back to NYSDEC or to a particular fleet owner for review.

One speaker requested information to assist communities in understanding the National Ambient Air Quality Standards (NAAQS) for some particles.

- EPA: Under the Clean Air Act, EPA establishes National Ambient Air Quality Standards (NAAQS) to protect public health. Standards were established for six

pollutants including two sizes of particulate matter, fine particles (PM_{2.5}), which are 2.5 micrometers in diameter and smaller; and inhalable coarse particles (PM₁₀), which are smaller than 10 micrometers. For reference, a human hair is about 70 micrometers wide. Standards established to protect public health are called Primary Standards and those established to protect public welfare such as visibility, damage to animals, crops, vegetation, and buildings are called Secondary Standards. In the case of PM_{2.5}, the primary and secondary standards are the same.

There are two averaging times for PM_{2.5} standards; yearly (annual) and daily (24-hour). The two standards provide for the protection of public health and welfare over both short and long periods. The current standards for PM_{2.5} are 15 µg/m³ and 35 µg/m³ for annual and 24-hour, respectively. In order to meet the annual standard, the 3-year weighted average PM_{2.5} concentration measured at air monitors must not exceed 15 µg/m³. In order to meet the 24-hour standard, the 3-year average of the 98th percentile of 24-hour concentrations must not exceed 35 µg/m³. If these levels are not met, states are required to develop plans to bring PM_{2.5} levels within the health standards.

EPA reviews current scientific information every five years to determine if PM_{2.5} standards are protective of public health and welfare. Information that is used to review standards includes information from both EPA and the public (scientific community, industry, public interest groups, etc.). EPA revised the 24-hour fine particle standard from the 1997 level of 65 µg/m³ to 35 µg/m³ in 2006.

Further information regarding particulate pollution and PM_{2.5} can be found at <http://www.epa.gov/air/particlepollution/index.html>. For more information regarding the NAAQS, please contact Bob Kelly at (212) 637-3709 or Gavin Lau (212) 637-3708.

Another participant discussed concerns regarding soot on a window sill and asked why no government agency was measuring soot levels.

- EPA: Actually, NYSDEC operates a network of monitors in New York City. The state places monitors in areas with the greatest potential for the highest concentrations of the pollutants in question using mathematical modeling, in many cases in consultation with the community. EPA oversees New York's monitoring network. In addition, NYSDEC's Web site contains additional information on the state's monitoring network at <http://www.dec.ny.gov/chemical/8406.html>

If a member of the community observes soot, dust or smoke being emitted from nearby facilities, he or she should call New York City's 311 hotline or EPA Region 2's Air Compliance Branch at (212) 637-4080.

- NYSDEC: NYSDEC has developed a regulation for the installation of Best Available Retrofit Technology (BART) on stationary sources (power plants and

other large facilities) that may contribute to the soot. This regulation will require retrofitting and target emitting sources built between 1962 and 1977 that are not controlled under other programs, such as New Source Review (NSR).

Repowering or retrofitting old plants can increase electric generation, improve energy efficiency, reuse land already dedicated to energy production, maintain and create jobs, increase the tax base, and reduce energy costs.

- NYC Mayoral Office & Agencies: NYC Department of Health and Mental Hygiene (NYC DOHMH) is conducting a very extensive air monitoring program throughout NYC to characterize variations among neighborhood street level air pollution. Titled the *New York City Community Air Survey* (NYCCAS), it is designed to determine whether air pollution is higher in proximity to major roadways, but is not designed to evaluate the specific contribution of particular facilities, such as bus depots. It will be able to answer whether street level air pollution is higher in areas with greater traffic, and in neighborhoods with concentrations of facilities with the potential for large emissions. NYCCAS is measuring, at a minimum of 130 street level locations in each season each year, oxides of nitrogen, ozone, sulfur dioxide, fine particle (PM_{2.5}) mass, elemental carbon, and the metal content of air. The first air sampling campaign was launched in summer 2008.

Diesel Emissions

A number of recommendations centered on diesel emissions, including one to expand diesel retrofit programs beyond school buses and marine engines to private fleets, sanitation trucks and off-road vehicles; and others to limit diesel consumption and excessive diesel emissions.

- EPA: EPA's Clean Diesel Assistance Program does not limit eligibility to school buses and marine facilities. Sanitation and off-road fleets are also eligible. Private fleets are eligible if they partner with a nonprofit eligible applicant. More info on the current competition can be found at:
<http://www.northeastdiesel.org/funding.htm>

While no agencies have explicit authority to limit diesel fuel use, the NYC Department of Transportation (NYCDOT) was recently awarded federal Congestion Mitigation Air Quality (CMAQ) funds for a future project to address diesel emissions from trucks in the Hunts Point neighborhood. EPA has regulated diesel fuel, requiring dramatic recent reductions in sulfur content.

There is no federal authority to require retrofitting of existing vehicles. New York State and NYC recently adopted regulations mandating retrofits on a number of types of state- and city-owned and contracted diesel fleets.

- NYSDEC: The NYSDEC Environmental Justice Community Impact Grant Program (“EJ Grant Program”) is currently funding two projects by community organizations in New York City and Rockland County that focus on monitoring and reporting diesel air emissions.

NYSDEC has additional programs to reduce health risks associated with diesel trucks. Please refer to page (4) of this document for details on its long-term enforcement program in NYC and its pilot project to tackle idling diesel vehicles.

NYSDEC will recommend a partnership be developed with other agencies such as the New York State Energy Research and Development Authority (NYSERDA), the New York State Department of Transportation (NYSDOT), and the Metropolitan Transit Authority (MTA) to create a job training program for retrofitting vehicles with emissions control devices. California Air Resources Board (CARB) has recently proposed a regulation that would require truck owners to install diesel exhaust filters starting in 2010, with nearly all vehicles upgraded by 2014. CARB has proposed providing \$1 billion in funding assistance for business owners to comply with the proposed regulation. New York State may wish to implement a similar funding program. NYSDEC may be able to work collaboratively with the New York State Education Department on reducing school bus emissions, through a ‘fuel neutral’ approach - that is, one that selects the fuel type and emissions reduction equipment producing the lowest emissions.

To comply with the New York State Diesel Emissions Reduction Act (DERA), NYSDOT has developed a three-year plan to install retrofit equipment on the department’s fleet of pre-2007 model year on-road diesel vehicles (model year 2007+ vehicles are already equipped with the emissions-reducing technology). The fleet will be retrofitted at a rate of 1/3 of the fleet per year for three years. The engines to be retrofitted each year were specifically chosen to allow the department to accomplish the mandate in the allotted amount of time (100% compliance by December 2010). DERA, which was made available for public comment, requires all state agencies and contractors performing work on behalf of state agencies to retrofit existing on-road diesel engine-powered vehicles with best available retrofit technology. NYSDEC is responsible for establishing rules for implementation of the law and final enforcement of the law.

NYSDOT has also initiated a study to assess the effects of retrofit equipment on a wider array of diesel equipment in the state. The results of the study should provide the department with the information needed to expand the retrofit program, based on available funding.

NYSDOT proposes to incorporate clean fuel and diesel retrofit requirements into construction contracts within air quality nonattainment areas. This effort would result in the retrofit of private vehicle fleets.

NYSERDA, in cooperation with the New York Planning Federation and EPA produced “A Municipal Official’s Guide to Diesel Idling Reduction in New York

State.” This guidebook presents basic information and practical solutions for consideration, and can assist state and local officials in understanding the issues, alternative technologies and approaches, and making sound land use decisions that can reduce the impacts of engine idling. The guide is available in print or online at: <http://www.nyserda.org/publications/09-06guidetodieselidlingreduction.pdf>.

- NYC Mayoral Office & Agencies: Mayor Michael Bloomberg signed a number of Local Laws in 2003 and 2005 that amended the Administrative Code of New York City in relation to the use of ultra low sulfur diesel fuel (“ULSDF”) and the best available retrofit technology (“BART”) for various categories of diesel fuel-powered motor vehicles specified by each law. Combined, Local Law 77 of 2003 and Local Laws 39, 40, and 41 of 2005 provide that the Commissioner of the NYC Department of Environmental Protection (DEP) make determinations, and publish a list of such determinations, as to the best available retrofit technology (BART) for reducing the emission of pollutants to be used for the various types of diesel fuel-powered motor vehicles. Diesel particulate filters (DPF) are the preferred choice for all retrofits. DEP has been working with the city agencies and our public works contractors to retrofit all equipment. NYC has seen an improvement in the learning curve such that major projects have retrofitted equipment. As new contracts start up, there is still an education phase. However, NYC is now moving to set timeframes for retrofitting, which would then be followed by enforcement actions. For fleets covered by other legislation, NYC intends to continue enforcement measures with respect to these laws by conducting periodic inspections and ensuring that all BART are installed and operating properly. To help with compliance for the on-road vehicle legislation, DEP places decals on the retrofitted ones, which allows a more informal mechanism for checking retrofit status.

A participant from West Harlem raised specific concerns about particulate emissions from a nearby bus depot and the proximity of major roadways and bridges.

- EPA: EPA has a number of efforts that will result in emission controls not only around bus depots, but throughout the city. EPA’s clean diesel program, including the Northeast Diesel Collaborative, works to address diesel emissions from several sectors including private fleets, sanitation trucks and off-road vehicles. For example, EPA coordinates closely with the NYC Department of Sanitation, which has been a leader in reducing emissions from the majority of its sanitation trucks with state-of-the-art diesel retrofits. Also, last year EPA awarded a grant to NYSERDA and Anheuser-Busch to retrofit 15 private fleet delivery trucks that operate in Hunts Point with advanced pollution control equipment. This year, EPA awarded over \$18 million dollars to retrofit various diesel equipment in the Northeast. In addition, the NYC Department of Transportation (NYCDOT) was recently awarded federal Congestion Mitigation

Air Quality funds for a future project to address diesel emissions from trucks in the Hunts Point neighborhood. EPA has regulated diesel fuel, requiring dramatic recent reductions in sulfur content.

- NYC Mayoral Office & Agencies: NYC Department of Health and Mental Hygiene is conducting a very extensive air monitoring program throughout NYC to characterize variations among neighborhood street level air pollution. The study is designed to determine whether air pollution is higher in proximity to major roadways, but is not designed to evaluate the specific contribution of particular facilities, such as bus depots. It will be able to answer whether street level air pollution is higher in areas with greater traffic, and in neighborhoods with concentrations of facilities with the potential for large emissions.

Indoor Air Quality

One commenter suggested that New York City create a new “Office of Healthy Homes and Indoor Air Quality.”

- NYC Mayoral Office & Agencies: Given the fiscal climate and budget deficits, the city is not adding personnel to the Mayor's Office. Nevertheless, the NYC Department of Health and Mental Hygiene directs people to their web site (<http://nyc.gov/health>) to learn more about their Healthy Homes initiatives, safer pest control, mold control and indoor air quality. Its Rat Information Portal (<http://nyc.gov/rats>) provides detailed information on how the city is managing rodents. NYC's Health Code was recently amended to clarify expectations of building owners about preventive pest control. It can be reviewed at <http://nyc.gov/health>. The city's Department of Housing Preservation and Development responds to a variety of complaints from tenants, and conducts tens of thousands of inspections annually on interior quality.
- NYSDEC: The EJ Grant Program has been funding a Healthy Home project in Rochester for the past three years, and the grant program is a possible source of funding for Healthy Home projects in New York City.

A concern was raised about the handling of asbestos during school renovations.

- NYC Mayoral Office & Agencies: Though this comment does not provide enough detail, it should be noted that the School Construction Authority (SCA) never performs asbestos removal, lead paint removal or any other high risk work in occupied school buildings. Construction work is performed at night, on weekends and during the summer months to limit disruptions in occupied schools. SCA also provides an around-the-clock emergency hotline for reporting safety problems and for questions about construction work at schools (718-472-2515).

Several participants spoke about asthma triggers such as mold and rodents, and questioned whether the city was adequately addressing indoor air quality.

- EPA: EPA Region 2 has fostered extensive asthma contacts and programmatic relationships throughout the Region.

In the past we have funded LaGuardia Community College to conduct asthma home assessments of hundreds of Queens and Bronx families who suffer from this chronic disease. We continue professional education for school nurses and teachers through Asthma Action Plan and trigger training and faculty in services. Over 400 schools and 20,000 faculty have participated. We worked with 200 health care providers from Federally Qualified Health Centers and others attending the Asthma Summit to supply educational materials for patient education. We have trained hundreds of new asthma instructors who were responsible for conducting hundreds of in-home visits and educating over 1,000 families. In 2009, we granted nearly \$11 million to the Port Authority of New York and New Jersey to reduce diesel emissions from trucks and ships that call on the port and pose a health risk to the residents of EJ communities in and around the port.

EPA Region 2 produced a multilingual outreach campaign that included warning fliers in four languages about illegal pesticides (Tres Pasitos, Miraculous Chalk and others) that are used in the home. <http://www.epa.gov/region02/pesticides> Our staff also provides pesticide information and presentations to public interest groups, academia, the regulated community, and the general public with an emphasis on promoting integrated pest management as a means to reduce cockroach and rodent infestations without pesticides. We have also produced and distributed outreach materials that help people address mold.

- NYSDEC: The EJ Grant Program is currently funding two organizations in New York City that are working on improving residential indoor air quality.

NYSDOH includes alternate pest control methods in many of its fact sheets that relate to pests and pest control, including “Reducing Pesticide Exposure” and “Get Rid of Cockroaches.” NYSDOH will continue to include these methods in future outreach materials and will explore opportunities and means to promote alternate pest control in these settings. Total-release foggers are a class of pesticide products that pose risks of health effects, fires and explosions and are often used in low-income housing as a means to control insect pests. NYSDOH recognizes the risks this situation poses and is working with NYSDEC and pesticide registrants to develop actions to mitigate the risks posed by these foggers and to explore alternative insect control strategies.

NYSDOH has developed informational materials on various aspects of mold. These materials include a general “Mold Fact Sheet,” a booklet (prepared in

collaboration with NYSERDA) on “Indoor Air Quality and Your Home,” which contains information about mold; and a “Health Checklist for Repairing Your Flood Damaged Home,” which provides information on preventing mold growth after a flood. These materials are available on NYSDOH’s Web site (<http://www.health.state.ny.us/environmental/indoors/air/mold.htm>). The Web site also provides links to other resources (some of which are available in Spanish as well as English), with extensive health-related information and methods of prevention and remediation of mold growth (e.g., U.S. Centers for Disease Control and Prevention Web page). Mold-related materials are also distributed to many communities after floods. NYSDOH also has a toll-free environmental health information line (1-800-458-1158), and provides advice to residents with mold concerns on a daily basis through telephone inquiries. NYSDOH also developed the training course, “Mold, Water, and Building Code.” NYSDOH has presented the course to over 1,000 code enforcement officials and other professionals to provide sound information on the basics of addressing and preventing mold growth in buildings and will continue with this activity. In addition, NYSDOH is co-chairing the NYS Toxic Mold Task Force. The task force’s main objectives are to assess the adverse environmental and health impacts caused by toxic mold in the state and recommend methods for control of mold and measures to mitigate mold growth.

- NYC Mayoral Office & Agencies: The indoor environment is influenced by the overall condition of buildings, the maintenance of those buildings and interior spaces, and on a variety of occupant behaviors. NYC agencies have been deeply involved in assessing and improving indoor environments, and in improving the quality of rodent control generally. NYC directs people to its Web site (<http://nyc.gov/health>) to learn more about its Healthy Homes initiatives, safer pest control, mold control and indoor air quality. NYC’s Rat Information Portal (<http://nyc.gov/rats>) provides detailed information on how the city is managing rodents. NYC’s Health Code was recently amended to clarify expectations of building owners for preventive pest control. It can be reviewed at <http://nyc.gov/health>. The City’s Department of Housing Preservation and Development responds to a variety of tenant complaints, and conducts tens of thousands of inspections annually on indoor living quality.

State Implementation Plans (SIPs)

A range of questions and comments were received related to federally-required state implementation plans for improving air quality, including a request for more transparency during the SIP process and more information about compliance. One participant asked for an explanation of Transportation Improvement Plans and their relationship to the SIP process and other decision-making.

- EPA: The following is background information regarding the state implementation plan (SIP) process. Additional information can be obtained through EPA's Web site at <http://www.epa.gov/air/ozonepollution/SIPToolkit/index.html> or by contacting Richard Ruvo of EPA Region 2 at (212) 637-4014.

The states, under the federal Clean Air Act, must develop air pollution regulations and control strategies to ensure that state air quality meets health-related standards in all communities. The laws require EPA to establish these National Ambient Air Quality Standards (NAAQS) to protect public health. They currently address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must develop clean air plans to provide for healthful air quality within the deadlines established in the federal Clean Air Act. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

The states must formally adopt the regulations and control strategies consistent with state and federal laws for incorporating the state regulations into EPA's enforceable SIPs. This process generally includes a public notice, public comment period, public hearing, and a formal adoption by a state-authorized rulemaking body. Once a state rule, regulation, or control strategy is adopted, the state will send these provisions to EPA for inclusion in the EPA enforceable SIP. EPA must then determine the appropriate federal action, provide public notice, and request additional public comment on the action. The possible federal actions include: approval, disapproval, conditional approval and limited approval/disapproval. If adverse comments are received, EPA must consider and address the comments before taking final action.

With respect to the incorporation of transportation improvement programs or "TIPs" into the SIP, EPA's "conformity" rule requires that TIPs, transportation plans, programs, and projects, conform to the SIP and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the health standards. Conformity applies to areas that do not attain health-related standards and for areas that were formerly out of compliance with them but now have a maintenance plan in effect to insure they stay clean.

Metropolitan Planning Organizations (MPOs), the State Department of Transportation (DOT) (in absence of a MPO), and the U.S. Department of Transportation (USDOT) make conformity determinations on programs and plans such as TIPs, transportation Implementation plans, and projects. The MPOs calculate the projected emissions that will result from implementation of the transportation plans and programs and compare those calculated emissions to the motor vehicle emissions ceiling established in the SIP. The calculated

emissions must be smaller than the federally approved motor vehicle emissions ceiling in order for USDOT to make a positive conformity determination with respect to the SIP.

EPA, USDOT, NYSDEC, NYSDOT and NYCDOT, among others, work to ensure that emissions resulting from existing and planned transportation projects do not exceed what NYSDEC allocates in its SIPs. These agencies cooperate through ongoing interagency consultation to make sure the region's TIP conforms with the SIP any time it is changed. Additional information can be obtained through EPA's Web site at <http://www.epa.gov/otaq/stateresources/transconf/index.htm>

In NYC, the New York Metropolitan Transportation Council (NYMTC) is a local metropolitan planning organization. The NYMTC region is comprised of New York City, Long Island and the lower Hudson Valley. NYMTC is responsible for adopting the region's five-year Transportation Improvement Program (TIP) and the 30-year long range transportation plan, and for ensuring that the TIP and plan "conform" to the SIP. The TIP is a five-year program that identifies all the proposed federally funded transportation projects in the NYMTC region. The current five-year program runs from 2007-2012 and includes roadway, bridge, bicycle, pedestrian facilities, transit equipment and services, safety improvements and demand management programs for the region. The TIP regularly changes through amendments or administrative modifications throughout the year. The long range transportation plan highlights the long-term planning priorities of the region for the next thirty years. It is less specific than the TIP, but can be useful in understanding the region's long-term transportation priorities. The most recent TIP and plan can be found at <http://www.nymtc.org/>.

One person suggested that the New York City's plan to reduce carbon emissions by 15% did not address "hotspots" in the city.

- EPA: New York City's PlaNYC has been developed to help the city continue to grow in a sustainable manner. The climate change portion of PlaNYC sets a target of a reduction of greenhouse gas emissions by more than 30% by 2030. Plans for reducing emissions include the use of sustainable transportation, clean power, and energy efficient buildings.

Greenhouse gases (GHGs) generally do not affect human health directly. Scientists are certain that human activities have led to an increase in GHGs in the atmosphere, and that increasing concentrations of GHGs will change the planet's climate. The changes in the planet's climate are projected to cause multiple global effects including: disruptions to ecosystems, water, heat waves, and changes in precipitation patterns. Since these are global phenomenon, "hotspots" for carbon emissions are not a concern. The goal of PlaNYC is to reduce GHG emissions in order to lessen the city's impact on global climate change. The federal, state and city governments have all taken action to reduce emissions that contribute to air pollution hotspots, which are local areas affected

by polluting facilities and vehicle emissions. For more information regarding climate change, see <http://www.epa.gov/climatechange/>

For more information on the climate change portion of PlaNYC, see: <http://www.nyc.gov/html/planyc2030/html/plan/climate.shtml>

- **NYSDEC:** New York State is participating in the Regional Greenhouse Gas Initiative (RGGI), a cooperative effort by ten states to reduce carbon dioxide (CO₂) emissions from power plants. Under RGGI, CO₂ emissions from the power sector in the ten-state region will be reduced by 10% by 2018. Therefore, RGGI will help to decrease New York State and the region's contribution to climate change, thereby lessening the risk of "hotspots" in the City."

Brownfields Redevelopment

Representatives from several communities expressed interest in opportunities available from federal, state and city agencies related to brownfields redevelopment. Special emphasis was placed on the need for job training and local capacity building through various brownfields programs.

- **EPA:** EPA's multi-faceted Brownfields Program provides technical, legal and information resources, as well as direct assistance to regional brownfields stakeholders, including state agencies, counties, cities, tribes and community organizations. Stakeholders from around New York and New Jersey have received assessment, revolving loan fund, cleanup, job training, training research and technical assistance, and targeted brownfields assessment grants; EPA works closely with these stakeholders to ensure the program's success. In 2007, New York City received two grants totaling \$400,000 to assess local brownfields sites impacted by hazardous substances and petroleum contamination. This spring, EPA selected Brooklyn's St. Nicholas Neighborhood Preservation Corporation and East Harlem's STRIVE/East Harlem Employment Services, Inc. to each receive \$500,000 in grant funding to help train community members for jobs assessing and cleaning up brownfields sites. Funding for these grants is supported by the American Recovery and Reinvestment Act of 2009.
- **NYSDEC:** The Empire State Development Corporation designated environmental zones for the purpose of providing tax incentives for brownfield redevelopment and uses the following criteria:
 - Census tracts with a poverty rate of at least 20 percent according to the 2000 Census, and an unemployment rate of at least 125% of the New York State average; or
 - A poverty rate of at least double the rate for the country in which the tract is located. Maps of environmental zones in each county can be found on the

ESDC Brownfield Redevelopment website at:
www.empire.state.ny.us/Brownfield_Redevelopment/Default.asp.

Since early 2007, Department of Housing and Community renewal (DHCR) has worked to improve the environmental conditions of communities. In November 2007, DHCR introduced a new Green Building Initiative (GBI), which encourages the development of green, sustainable affordable housing by including incentives in the DHCR funding process. Developers who meet DHCR's green building criteria gain a significant advantage in the competitive application process. The GBI includes many criteria to improve the lives of residents in low-income communities. This initiative includes several smart growth criteria such as siting projects near existing infrastructure, and public transit to encourage more walkable communities, re-development of brownfields, use of non-toxic construction materials and practices to promote healthy indoor air quality such as low VOC paints, green carpets, mold-reducing measures, better ventilation and integrated pest management. A 'Green Building Criteria Reference Manual' is available on DHCR's website at: <http://nysdhcr.gov/Funding/> to educate and assist developers in creating sustainable and healthier housing. Redevelopment of brownfields is included in DHCR's Green Building Initiative where applicants receive a scoring advantage for redeveloping a brownfield. DHCR regulations currently set rents in their funded housing developments at a percentage of the area median income, thus providing low-income residents with affordable rents. To address gentrification of a neighborhood as a result of a brownfield redevelopment, DHCR will review its funding application documents for opportunities to place greater emphasis on creating and promoting mixed income developments to prevent the displacement of low-income residents while encouraging those with higher incomes to invest in the neighborhood.

NYS Department of State's Brownfield Opportunity Area Program (BOA) provides funds to help municipalities and community groups identify and plan for the redevelopment of brownfields. Brownfields disproportionately affect environmental justice communities. The BOA program provides for heavy community participation in developing a revitalization strategy for the area and promotes faster cleanup and redevelopment to improve environmental and economic well-being. Contact: George Stafford, Deputy Secretary of State, Office of Coastal, Local Government and Community Sustainability, (518) 473-3355, George.Stafford@dos.state.ny.us, www.dos.state.ny.us.

- NYC Mayoral Office & Agencies: The Mayor's Office of Environmental Remediation (MOER) is very supportive of brownfields training. The office offers educational programs on topics such as brownfield investigation & cleanup and financial resources for non-profits, Brownfield Opportunity Area (BOA) grantees, and small- and mid-size developers.

Additionally, MOER fostered the creation of the NYC Partnership of Brownfield Practitioners, which is focused on providing benefits to brownfield communities, including educational opportunities. The partnership created an internship

program and a scholarship fund to promote brownfield study among CUNY and NYC public school seniors, and it awarded nine \$2,000 scholarships in April 2009. Its environmental consultants offer pro-bono expert consultation for community residents and groups that need assistance in reviewing and understanding cleanup plans. Furthermore, the partnership is working with local brownfield job training providers to offer on-the-job training after classroom training has been completed.

The city's Workforce1 Career Centers, located throughout the five boroughs, provide free job preparation and placement services to all New York City residents. In 2008, the eight Workforce1 Career Centers served over 100,000 customers, providing workshops, pre-vocational skills training, on-site employer recruitments, and job referral services in a professional setting. In 2009, the city will add two additional centers that prepare New Yorkers for careers in specific economic sectors. More information can be found at www.nyc.gov/workforce1

Community workforce development organizations provide preparatory employment training and environmental training such as 40-hour hazardous waste operations (HAZWOPER) and asbestos removal prior to entry into the partnership's program. The partnership's program places workers in the field and in the office, depending on their interests and skills. The city supports grant applications from local workforce development organizations to enable more of the environmental training to take place, and is working with placement agencies to assist the trainees in finding additional temporary or permanent jobs.

One commenter asked for better agency communications on funding brownfields development areas. Another noted that the Brownfields Opportunity Area Program would gain traction if the city funded projects that fit the plan.

- NYC Mayoral Office & Agencies: The Mayor's Office of Environmental Remediation (MOER) has been authorized to coordinate brownfields activities among city agencies and to enter into agreements with the state and federal governments on brownfields. MOER's mandate includes provisions for financial incentives, with priority for projects that are consistent with Brownfield Opportunity Area plans.

The city is very supportive of the BOA program. New legislation specifically gives funding priority to BOA-compliant projects for the Mayor's Office of Environmental Remediation's financial incentives. Furthermore, MOER staff will offer assistance to BOA grantees in getting information from and coordinating their plans with city agencies.

A concern was also raised about building schools on brownfields sites.

- NYC Mayoral Office & Agencies: Rules for siting of schools and other institutions are dependent on the degree of hazard, and the potential for exposure. Sites should be remediated to the standards appropriate for their intended use, including schools and housing. In this way, it is a win-win for everyone. It's a win for the neighborhood when a brownfield site is cleaned, which also eliminates the potential for it to contaminate adjacent properties. And it's a win for the community to have a new school or new housing built for its use.

Community Action for a Renewed Environment (CARE) Program

A recommendation was received to expand EPA's Community Action for a Renewed Environment (CARE) grants program.

- EPA: Community Action for a Renewed Environment (CARE) is a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment. Through CARE, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize people's exposure to them. By providing financial and technical assistance, EPA helps CARE communities get on the path to a renewed environment. Since its inception in 2005, the CARE program remains community-driven, focusing on reducing environmental risks in local communities through partnerships. Through CARE, communities use consensus to decide which environmental health issues are most important to them and help access EPA technical support and build capacity to reduce toxics through collaborative action at the local level. To date, there are eight CARE communities identified in Region 2 and a total of 73 nationwide.

For additional information regarding EPA's CARE program, including descriptions of past projects as well as future CARE Request for Proposals funding opportunities, please visit <http://www.epa.gov/care/>

Climate Change

A participant from the Sunset Park section of Brooklyn expressed concerns about the potential impacts of climate change on New York City coastal areas.

- EPA: EPA has released a final Climate Change Water Strategy that focuses on water-related issues. You can read the strategy here: <http://www.epa.gov/ow/climatechange/implementation.html>
EPA recognizes the potential for increased intense storms, flooding and effects of sea level rise. For more information, see: <http://www.epa.gov/climatechange/effects/coastal/index.html>

EPA, along with other federal researchers, documents the vulnerability of the mid-Atlantic to sea level rise in the following report:

<http://www.climate-science.gov/Library/sap/sap4-1/final-report/default.htm>

These reports and strategies emphasize the need to plan for climate impacts but do not yet lay out specific approaches or the expected impacts for specific locations since climate models do not yet provide this level of detail.

- **NYSDEC:** NYSDEC chairs the Sea Level Rise Task Force (SLRTF). The Sea Level Rise Task Force was created in 2007 by the New York State legislature, to assess impacts to the state's coastlines from rising seas and recommend protective and adaptive measures. The task force held its first meeting on June 27, 2008; its report is due to the Legislature by January 1, 2011. The SLRTF meetings are open to the public and several EJ advocates from NYC have been asked to join workgroups that will make recommendations to the task force. If any advocate is interested in SLRTF notices go to: <http://www.dec.ny.gov/energy/45202.html>

NYS Energy Research and Development Authority (NYSERDA) is initiating research that will identify the anticipated impacts of a changing climate on New York's infrastructure, resources and citizens. NYSERDA is exploring opportunities to include an environmental justice component in its assessment, to locate populations that are particularly susceptible, and to identify adaptation strategies and resources. Contact: Sandi Meier (sm4@NYSERDA.org), (518) 862-1090, ext. 3462, <http://www.nyserda.org/programs/environment/EMEP/>.

Another participant asked about the ways climate change and sustainability interact with EJ communities.

- **EPA:** EPA recognizes that climate change may impact communities differently. EPA lists potential adaptation measures to avoid impacts to human health. These include planting urban trees to moderate temperature increases, and weather advisories to notify the public of dangerous heat conditions. See <http://www.epa.gov/climatechange/effects/adaptation.html> for more information. Climate change may require communities to become more sustainable, both to reduce emissions and to adapt to impacts. Potential local impacts of climate change are still being researched so we can understand them better. See www.climate-science.gov for the most recent federal research on impacts (including impacts to air quality and transportation infrastructure). See www.epa.gov/region02/sustainability for Web resources and things people can do to help increase the sustainability of their communities. EPA continues to update its sustainability Web page (including the recent posting of "Planning for a Sustainable Future: A Guide for Local Governments").
- **NYSDEC:** The EJ Grants program recently provided funding to West Harlem Environmental Action for its conference on climate change and environmental justice titled "Advancing Climate Justice: Transforming the Economy, Public

Health and Our Environment.” For information about this conference, go to:
<http://www.weact.org/Programs/MovementBuilding/TheWEACTforClimateJusticeProject/AdvancingClimateJusticeConference/tabid/330/Default.aspx>.

One representative asked why none of the current legislation to address climate change considers siting, and asserted that new plants can be sited as long as they engage in the cap and trade program, which offers offsets that are not beneficial to the communities in which the facilities are located.

- **EPA:** Many proposed cap and trade systems allow for trading emissions permits nationally since the pollutant carbon dioxide mixes globally in the atmosphere. However, we would expect that, under any climate change legislation, non-greenhouse gas requirements of the Clean Air Act will continue to apply to construction and operation of sources emitting air pollutants such as nitrogen oxides, sulfur dioxides, particulates and other compounds that the Clean Air Act has regulated for many years. For large sources of air pollution, the health-based requirements of the Clean Air Act's new source review program would apply. These New Source Review health based standards apply in both attainment areas via the Clean Air Act's prevention of significant deterioration permit program and in nonattainment areas via the nonattainment new source review permit requirements. In addition, many states have laws governing siting of new plants that would most likely continue to apply. Therefore, if a cap and trade system allows for the siting of a new facility that emits greenhouse gases, the facility most likely will still be required to meet all the non-greenhouse gas requirements of the Clean Air Act and state laws. Note that, under some proposed legislation, only the cap and trade provisions would apply to the greenhouse gas emissions of the new facility and other regulatory provisions of the Clean Air Act would not apply to those greenhouse gases. However, the other (non-cap-and-trade) provisions of the Clean Air Act would nonetheless continue to apply to the non-greenhouse gas pollutants.

The climate change legislation is currently changing almost daily and will continue to do so as part of the legislative process. EPA has analyzed the potential impact of some of the bills at the request of the US Congress and a more detailed analysis of climate change bills can be found at:
<http://www.epa.gov/climatechange/economics/economicanalyses.html> This page contains the analysis of several bills throughout their legislative lifetimes.

- **NYSDEC:** On July 15, 2009 NYSDEC finalized its policy on greenhouse gas emissions and the state environmental quality review act (SEQRA). This policy provides instructions to NYSDEC staff for their preparation or review of an environmental impact statement that includes a discussion of energy use and greenhouse gas emissions. It identifies the boundaries and methods for the assessment of greenhouse gas emissions and mitigation measures. Go to the NYSDEC Environmental Notice Bulletin (ENB) for more information:
http://www.dec.ny.gov/enb/20090715_not0.html

Columbia University Development Project

Participants from Morningside Heights and West Harlem expressed a variety of concerns about the local impacts of the planned expansion by Columbia University. One person asked whether the biotech labs at the university and alleged anthrax research pose a public health risk to residents, in addition to construction related activity already underway.

- **EPA:** EPA has reached out to Columbia University to encourage that any construction, which is ultimately carried out for the expansion program, be performed in the manner that is as “green” and community-friendly, as possible.
- **NYC Mayoral Office & Agencies:** The Department of Health evaluated the environmental impact statement associated with the rezoning and expansion of Columbia University and noted that jurisdiction for laboratory safety rests with NYS and federal agencies. We have no knowledge of anthrax research being conducted in NYC, and we do not permit such activities.

Community Outreach

Representatives from a number of communities expressed the need to promote partnerships with community organizations and to keep area residents informed about issues in a timely fashion.

- **EPA:** EPA is committed to public information and outreach, and further encourages the formation of partnerships with local community-organizations. This is accomplished through various opportunities, including our grant programs (e.g., Environmental Justice, Environmental Education, Community Action for a Renewed Environment, Brownfields Job Training, etc.), the Superfund process (i.e., through EPA’s community involvement coordinators) and directly with EPA staff who work closely on environmental justice and children’s health issues. Community organizations are encouraged to join EPA listservs for up-to-date notifications on environmental topics. In general, EPA’s Web site offers information on numerous environmental topics at www.epa.gov. As appropriate, EPA is prepared to participate in additional outreach activities.
- **NYSDEC:** Two recommendations given by the New York State Environmental Justice Interagency Task Force is to provide for increased community representation and access to decision-making processes, and continue collaboration with the environmental justice community representatives.

NYSDEC and other New York State agencies forge partnerships with community organizations in several ways. Representatives of EJ organizations interact directly with the NYSDEC Office of Environmental Justice through its EJ Advisory Group and through frequent informal contacts. Through the EJ Grants Program, NYSDEC has provided funding to more than 50 community organizations throughout the state, and these fiduciary relationships often lead to partnerships on other projects. To promote communication with and among EJ organizations, the Office of EJ operates an environmental justice e-mail listserve to disseminate information on EJ issues to local organizations and advocates, and the Office of EJ Web site has a considerable amount of information for EJ groups at <http://www.dec.ny.gov/public/333.html>. The NYSDEC Office of EJ also provides mapping and data services to community organizations and often acts as a first point of contact for these organizations when they need help from NYSDEC on specific environmental issues. Individual NYSDEC programs such as the Division of Air Resources also work with EJ organizations on specific issues. Numerous EJ advocates also participate in the NYS Interagency EJ Task Force, where they have developed priorities for NYS agencies to develop EJ policies and provided feedback to state agencies on the action agendas that have been drafted in response to those priorities. Finally, the Mapping Work Group of the EJ Task Force, which will develop data sets, maps and criteria for designating EJ communities, will include representatives of EJ organizations. NYSDEC is always looking for new and creative ways to foster partnerships with local organizations.

- NYC Mayoral Office & Agencies: The city has engaged in multiple partnerships with community groups, covering everything from affordable housing to immigration to youth and community development. On environmental issues, the City created the Office of Long Term Planning and Sustainability's Advisory Board, which meets on an ongoing basis to be informed and provide input on environmental initiatives. Similarly, the city engages in continuous outreach to local groups, networks and coalitions such as sewage treatment plant monitoring committees, watershed planning groups, and various neighborhood and advocacy organizations such as the Bronx River Alliance and the Newtown Creek Alliance, thus providing opportunities for ongoing input and dialogue.

Cumulative Risks of Exposure to Pollutants

Several participants expressed the need to develop cumulative risk assessments that consider the potential impacts of exposure to multiple contaminants, and to enforce existing laws and regulations in communities in which cumulative impacts are present.

- EPA: EPA has developed a framework for cumulative risk assessments. For most of its history, EPA assessed risks based on individual contaminants and often focused on one source, pathway or adverse effect. The public is exposed

to multiple contaminants from a variety of sources, and the framework represents an important milestone for EPA in expanding our focus from an individual chemical-based approach to a community or population-based approach for multiple stressors.

EPA periodically assesses community risks through inhalation exposure to emissions of air toxics in outdoor air from sources of all types and sizes. The first of these assessments was based on a 1996 emissions inventory and became known as the 1996 National-scale Air Toxics Assessment, or "NATA." The next assessments were based on a 1999 inventory and, most recently, the 2002 inventory. The 2005 NATA is in progress. The NATA results are a screening tool that has been used by EPA, state and local governmental agencies, nongovernmental organizations, communities, and the general public to identify risks and manage them by reducing exposures or reducing emissions through improved regulatory compliance, further regulation, alternative approaches at the source, and new technologies. The NATA results identified mobile source air toxics as a subset of pollutants warranting further regulation, highlighted the need for improved and more accurate emission inventories, and provided a basis for selection of small sources that would be subject to regulation as required under the urban air toxics provisions of the Clean Air Act. Further information about NATA is available on the Internet at:

<http://www.epa.gov/ttn/atw/nata2002/index.html> Through NATA, EPA conducts periodic multi-pollutant risk assessments for the inhalation route of exposure to air toxics in outdoor air. For emissions from types of sources that emit persistent, bioaccumulative hazardous air pollutants such as mercury, which are known to be toxic to ecosystems or to humans via exposure routes in addition to inhalation, EPA considers multi-pathways when conducting a residual risk assessment, a process that estimates the risk remaining after implementation of maximum achievable control technology (MACT) standards under the Clean Air Act. EPA's plans for the future include multi-pollutant strategies that address the impacts of simultaneous exposure to both air toxics and to the pollutants regulated via the NAAQS.

In addition, EPA also supports risk reduction on a more community-specific scale through grant programs such as the local-scale air toxics monitoring grants, the multi-media Community Action for a Renewed Environment (CARE) partnerships, and the diesel school bus retrofit grants. For example, EPA's CARE program enables communities to self-identify priority pollutants in the neighborhoods. Addressing these pollutants decreases the potential for cumulative risk exposure. Also, EPA has developed a targeting tool to identify areas which might be disproportionately burdened, and conducts inspections and takes necessary enforcement actions to effect compliance.

- NYSDEC: The NYS Interagency EJ Task Force is forming a Mapping Work Group that will bring together GIS experts from several state agencies and EJ organizations to develop a database of maps and other data sets about cumulative pollution exposures, environmental health problems, access to open

space, and other issues relevant to EJ communities. When complete, this database will be used by state agencies to focus regulatory, policy and enforcement efforts on improving the quality of life in communities that are suffering from disproportionate environmental and public health burdens.

NYSDEC and NYSDOH have established “critical thresholds” for chemicals in various environmental media. NYSDEC “critical thresholds” include air guideline concentrations, ambient water quality standards, and soil cleanup objectives. NYSDEC and NYSDOH rely upon these “critical thresholds,” as well as federal guidelines and standards (e.g., National Ambient Air Quality Standards), in conducting activities to minimize risks to public health and the environment. NYSDEC and NYSDOH will continue to conduct these activities and update standards/guidelines as necessary.

Development and Construction Impacts

Residents from various communities faced with increasing development and new construction projects raised issues about the impacts on their communities. Concerns included emissions and dust, noise, truck traffic and idling, and inequality in where such projects are occurring.

- **NYSDEC:** NYSDOT will work to incorporate clean fuel (e.g., biodiesel, alternative fuels) and diesel retrofit into construction contracts within air quality nonattainment areas, many of which encompass environmental justice areas. Note that this action may require substantial resources. However, the funding for NYSDOT construction contracts is typically shared between federal and state sources. NYSDOT is also pursuing the implementation of “green construction practices.” Under these practices, all new construction contracts in nonattainment/ maintenance areas will require the use of ultra-low sulfur diesel (ULSD) in construction equipment.

NYSDOT’s Environmental Procedure Manual (EPM) is the comprehensive source for the department’s policy, procedure and technical guidance on environmental matters relating to the planning, design, construction, and maintenance of transportation facilities. The EPM consists of several chapters dedicated to specific impact categories (i.e., air quality, noise, hazardous waste). However, the EPM does not contain a chapter dedicated to environmental justice. As such, NYSDOT proposes to develop an environmental justice chapter in the EPM. NYSDOT will work with NYSDEC in drafting the chapter.

The NYS Division of Housing and Community Renewal (DHCR) Green Building Initiative encourages developers to utilize construction waste management and use recycled content material during construction. In the next revision of the Green Building Initiative, DHCR will work to strengthen these criteria and

increase the percentage needed to meet construction waste management and recycled content material requirements.

- NYC Mayoral Office & Agencies: The DEP's Bureau of Environmental Compliance (BEC) responsibilities include conducting 24,000 field inspections in response to 15,000 air and noise code complaints in a year and helping implement the requirements of the Clean Air Act Amendments of 1990. BEC meets with community and various public interest associations regularly to provide general information and promote compliance. All contractors are required to comply with the NYC Air and Noise Code, which includes preparing, implementing, and publicly posting onsite noise mitigation plan for each of their construction sites. DEP works with each contractor to ensure that each plan includes best management practices for mitigating noise and dust.

Enforcement of Environmental Laws and Regulations

A broad range of concerns were raised about whether environmental laws were being actively enforced by EPA, the New York State Department of Environmental Conservation, and various New York City agencies.

- EPA: EPA continues to perform inspections to ensure compliance with environmental laws and regulations, and take strong enforcement action when violation occurs. Region 2 encourages residents and community organizations to report violations to EPA through its Web site, which was established to facilitate getting such information. In addition, EPA conducts, in conjunction with its inspections, sample collection and analysis to ensure compliance and enforcement of federal environmental laws and regulations. Regardless of where environmental violations occur, EPA takes necessary enforcement actions to compel compliance.

NYSDEC: The seventh of 10 recommendations proposed by the New York State Environmental Justice Interagency Task Force is to prioritize enforcement actions and pollution reduction programs and resources in environmental justice communities. The NYSDEC is prioritizing enforcement actions in environmental justice communities; the first example of this is the "Stop Smoking Trucks" pullover events held in NYC EJ communities with high asthma rates.

NYSDEC's Office of General Counsel will work collaboratively with communities to create community-specific environmental justice inspection and enforcement action plans. Collaboration with communities will help identify hot spots or areas of concern, which can form the basis for investigations and possible enforcement.

NYSDEC will further encourage and facilitate the use of environmental benefit projects (EBP) in environmental justice areas when reviewing potential settlement of enforcement actions. NYSDEC's Office of Environmental Justice along with

the Department of Law Enforcement has completed pesticide enforcement sweeps of public housing and buildings in other regions and will investigate the possibility of doing such sweeps with NYC. DEC will also investigate the possibility of implementing a regional or systematic enforcement program for small stationary sources of air pollution, and targeted permit enforcement program for solid waste and construction and debris facilities in environmental justice communities.

Environmental Justice

Representatives from various communities expressed their views about the need to improve the format for future EJ listening sessions and provide more opportunities for community input. A specific request was made to increase the time allotted for community presentations at future sessions, and to invite high school students, who will become our future community leaders and EJ advocates.

- **EPA**: For future EJ listening sessions, EPA will invite a wider spectrum of community stakeholders, including students, as well as make every effort to allow substantial time at future sessions for community representatives to raise their issues and concerns.
- **NYSDEC**: DEC will offer interested environmental justice groups and organizations across the state a one-year free subscription of the *Conservationist Magazine*; or the *Conservationist Kids Magazine* to interested organizations that provide youth programs.

Participants suggested that adequate EJ grant funding be made available to help community residents build capacity, and that it should be available additionally through agencies other than those directly regulating the environment.

- **EPA**: EPA offers a variety of funding programs for community-based organizations. Though other federal agencies may not have grant programs that specifically seek to address environmental justice (as does EPA), there may be federally-funded programs aimed to mitigate or reduce other quality of life impacts for low-income, susceptible and/or vulnerable subpopulations. Above all, organizations are encouraged to register and apply for EPA, and other federal grant programs, on www.grants.gov
- **NYSDEC**: The EJ Grant Program at NYSDEC has provided almost \$2 million in funding since 2006 to local organizations for projects that provide environmental research, education, green infrastructure, community gardening, cleanup, monitoring, and other benefits to EJ communities. This program will continue in

2009 with another \$490,000 in funding. The NYSDEC Office of EJ works with other NYSDEC programs to develop EJ criteria in their grant evaluations as well. Numerous other state agencies, such as Department of Labor, Agriculture and Markets and NYSERDA, have also included environmental justice criteria in their grant programs.

One speaker referred to a comprehensive 1999 EPA EJ Listening Session and suggested that nothing had been done in response.

- EPA: EPA and the Council on Environmental Quality provided extensive feedback to the public on issues raised at the 1999 session and followed up on the many concerns about issues within its federal jurisdiction. At the onset of the 2008 EJ Listening Session, EPA informed all participants that the government agencies represented at the meeting would provide responses to the questions, comments and concerns expressed at this event through a subsequent responsiveness summary. This document serves as such a summary.

Another participant questioned the makeup of the National Environmental Justice Advisory Council (NEJAC), which has members representing solid waste interests, and suggested that other federal advisory councils do not require EJ representatives to serve.

- EPA: National committees that are subject to the Federal Advisory Committee Act (FACA), like the NEJAC, are part of the Executive Branch decision-making process and include members who are scientists, public health officials, businesses, citizens, communities, and all levels of government committed to a greater knowledge about the environment and what can be done to protect it. Approximately 800 citizens sit on 24 FACA committees bringing a variety of perspectives and expertise to the environmental consensus building process.

Another commenter addressed the need to address the role of environmental justice during disaster planning.

- EPA: In November 2006, EPA issued an internal directive to management and emergency personnel modifying its emergency management procedures to enhance the Agency's ability to address EJ issues. This directive can be viewed at: <http://www.epa.gov/oecaerth/resources/publications/ej/nejac/epa-resp-nejac-disaster-prep-resp-rpt.pdf>

Environmental Reviews

A range of concerns and questions were raised about the federal, state and city environmental review process. Various participants expressed confusion about the differences between the environmental review processes at the federal, state and city levels. One comment centered on whether the public was being excluded during the “scoping” segment of the New York City environmental review process. Another participant suggested that environmental reviews are lengthy and time consuming and recommended an alternative approach. An additional comment focused on the need for community plans to be taken into account during federal and state reviews.

- EPA: The federal environmental impact statement (EIS) process has two major features: (1) evaluate the impacts of reasonable alternatives and mitigate those impacts to the extent practicable, and (2) provide for public participation in the project development process. EPA Region 2's national environmental policy act (NEPA) actions are posted on the EPA Web site, <http://www.epa.gov/region02/spmm/r2nepa.htm#r2docs>. EPA also requires grantees to advertise projects through the public notification process to foster public outreach. Upon request, EPA Region 2 can provide information on the NEPA process to interested community organizations.

NYSDEC: NYSDEC will invite environmental justice stakeholders to join a list serve that automatically sends Environmental Notice Bulletin updates. The Environmental Notice Bulletin provides notices for public hearings, public comment periods, notice of complete applications and State Environmental Quality Review Act (SEQRA) reviews. NYSDEC is also revising the Environmental Assessment Form, which is filled out by applicants during the SEQRA review and prior to the issuance of any permits. The revisions will contain language that will help identify projects in environmental justice areas and potential adverse impacts in environmental justice communities. NYSDEC also plans to revise the SEQRA – 6 NYCRR § 617. NYSDEC will provide information and seek public input throughout the process.

- NYC Mayoral Office & Agencies: As required by laws and regulations governing environmental review in the city, projects with potential environmental impacts must be the subject of a positive declaration and the preparation of an environmental impact statement. These laws also require for such projects that a public scoping meeting be held to receive comments from the public. The city encourages public participation in the scoping process. It aggressively advertises its public scoping meeting, publishes the notice of the scoping meeting in English and other languages, as appropriate for the affected community, and makes the scoping documents publicly accessible via the internet. The city takes into account public comment and adjusts its final scope of work, as appropriate, to reflect those comments.

As part of the Mayor's ongoing commitment to improve governmental operations, the city is examining ways to improve the environmental review process without

compromising environmental protection standards or public participation, while maintaining compliance with the State Environmental Quality Review Act.

Green Buildings

A concern was raised that green buildings are not being developed in EJ communities.

- **EPA:** EPA has been working closely with the New York City Mayor's Office of Long Term Planning and Sustainability on "greening" energy use, city-wide, and on helping to promote innovative green buildings throughout the city through the New York City Green Building Competition (see: <http://www.nyc.gov/html/planyc2030/html/news/competition.shtml>). Under this competition, the West Harlem Environmental Action, Inc.'s (WEACT) Environmental Justice Center, and 1347 Bristow St. in the South Bronx (a low-income residential building located in an EJ community), received awards. In addition, EPA Region 2 has developed a Green Building Web site (www.epa.gov/region02/sustainability/greenbuildings.html) that acts as an information portal for all stakeholders. Additionally, EPA Region 2's Green Team meets with large construction project developers (throughout the region) for targeted meetings to encourage green construction practices. Also, New York State and NYC offer incentives for energy-savings investments in both new and existing buildings. This includes new green guidelines for low income housing credits, which supports developers building new, affordable green buildings in NY. For more information see http://www.nyc.gov/html/dob/html/guides/green_buildings.shtml. While EPA does not fund building construction it does fund many green building education projects.

In January 2009, EPA entered into a memorandum of understanding (MOU) with Cushman and Wakefield (NYC's largest property manager – managing over 70 million square feet). The MOU sets out best practices designed to enhance energy efficiency and reduce carbon footprint, promote water conservation and minimize waste at Cushman and Wakefield corporate offices and in properties under its management. Since April 2008, EPA has awarded three grants (under the Sustainability Grant program) that provide training to homeowners, building operators, renters, and maintenance staff on green building principles.

- **NYSDEC:** Although the NYSDEC EJ Community Impacts Grant Program cannot provide sufficient funds for a complete certified green building project, this program is currently funding three green roof projects and seventeen green infrastructure and urban community garden/urban agriculture projects. This concern has been brought to the NYSDEC Green Buildings group.

- The NYS Department of Housing and Community Renewal (DHCR) has instituted a Green Building initiative to provide incentives for green and sustainable housing for low-income citizens. DHCR's Green Building initiative encourages developers to locate affordable housing projects near public transportation to reduce dependence on car ownership and reduce related emissions of air pollutants. In 2008, DHCR strengthened this criterion by decreasing the required minimum distance from public transit.

Greenpoint/Williamsburg

Special focus was directed at the Greenpoint/Williamsburg area of Brooklyn, which is home to a wide variety of industries, utilities, and highways. One commenter requested that New York City perform a health study of Greenpoint/Williamsburg residents to determine local exposure impacts and trends.

- NYC Mayoral Office & Agencies: NYC DOHMH evaluated cancer incidence in Greenpoint a decade ago, and found that cancer rates were not unusually high compared to NYC overall. To our knowledge, incineration ceased many years ago. Phthalates are the subject of a variety of research studies. The NYS Department of Health has been working with NYSDEC on concerns about the oil plume beneath parts of Greenpoint and its implications for safety and health.

The Department of Health continually monitors the health of residents throughout NYC, and regularly reports on differences among neighborhoods in rates of hospitalization for a variety of health outcomes, self-reported illnesses, birth outcomes and mortality, among others. The problem the speaker points out is a general one and limits the ability of any study to associate local environmental conditions and health outcomes. However, the Department does not believe a study differentiating the health of new arrivals versus long-term residents would help answer questions about whether the environment of Greenpoint is healthy. That question is best answered by evaluating environmental conditions

A Greenpoint/Williamsburg community representative commented on the lack of open space in the community.

- NYC Mayoral Office & Agencies: The city is making progress on providing the community with new parks and open spaces in Greenpoint and Williamsburg. Starting in the Fall of 2009, the NYC Department of Parks and Recreation will break ground on the reconstruction of McCarren Pool for swimming, with a year-round recreation center. Scheduled to open in 2011, it will revitalize a

community asset that had been closed since 1984. In addition, the city recently broke ground on a new soccer field and open space along the waterfront at Kent Avenue and North 9th Street.

Infrastructure

A speaker echoed often-heard comments about the city's aging infrastructure.

- EPA: Through the American Recovery and Reinvestment Act of 2009, EPA awarded New York State some \$517 million to improve the state's water infrastructure, \$220 of which will fund projects around New York City via the Clean Water State Revolving Loan Fund. City water quality improvement projects will include: energy-efficiency and equipment upgrades to save money and improve water quality at wastewater treatment facilities in Brooklyn, Queens, Staten Island, and the Bronx; measures to reduce flooding from heavy rains in flooding hotspots throughout the city, including Cambria Heights and Far Rockaway in Queens and Pelham Parkway in the Bronx; and wetland restoration and an ecology park in Paerdegat Basin, Brooklyn. At least 20 percent of the funds provided under the Recovery Act are to be used for green infrastructure, water and energy efficiency improvements and other environmentally innovative projects.

EPA's *State Revolving Loan Fund* (SRF) program is used to fund improvements and upgrades to drinking water and sewage system infrastructure. The SRF program regulations require an environmental review process similar to NEPA, which include environmental justice considerations. The loan recipient, in this case NYC, is the responsible entity.

- NYSDEC: When improvements are made to drinking water systems or waste water systems, there are costs to homeowners. The NYS Department of Health (NYSDOH) will look into whether state and local infrastructure financing programs, including eligibility criteria, can be modified to reduce the cost to environmental justice and disadvantaged populations by taking into account homeowner costs of connecting or re-connecting to the improved drinking water infrastructure and waste water infrastructure. One area of review will be the "Disadvantaged Community Program and Hardship" component of the current Drinking Water State Revolving Fund program.

New York City's PlaNYC

New York City representatives were asked about PlaNYC 2030, the city's plan for a sustainable city, especially aspects of the plan designed to improve air quality by reducing traffic.

- NYC Mayoral Office & Agencies: With the demise of the congestion pricing proposal to reduce traffic, improve air quality, and raise funds for the transit system, the city has turned to other tools, some of which require state approval and others for which the city has authority to proceed. In 2008, the state legislature reclassified "blocking the box" from a moving to a parking violation, enabling all 2,800 of the city's traffic agents to issue citations for the offense to keep traffic flowing. In 2009, the state legislation increased the number of red light cameras deployed across the city by 50, for a total of 150 cameras. The city issued 791,700 violations for actions captured by red light cameras in 2008; and will continue to use it as a tool to improve traffic flow and safety on our streets. The City also announced a pilot program, which will improve traffic flow, simplify traffic patterns, extend green lights, and reduce travel times through Midtown Manhattan.

To increase parking capacity, the city is replacing single space meters with Muni meters. In 2009, we will focus on replacing all meters in Manhattan south of 60th Street. We also initiated PARK Smart, a pilot program in Greenwich Village that applies a higher metered parking rate during the periods of highest demand to increase turnover at these spaces. This will make it easier to find parking while also reducing congestion and improving safety. Initial results are positive, with more spaces available during peak hours. As a result, we plan to expand this pilot to five other commercial areas over the next two years. The city has also aggressively reduced the number and misuse of parking placards by government agencies. These placards give city employees street parking privileges to conduct official business but they have had the unintended consequence of increasing congestion in areas already prone to heavy traffic. In the last year, 53% of these placards have been eliminated.

Radiological Monitors

A concern was raised about New York City pending legislation that would require radiological monitoring equipment to be registered with the New York City Police Department.

- EPA: The proposed NYC Council bill would require radiological detection equipment to be registered with the New York Police Department (NYPD). EPA commented on the bill as we were concerned that it might impede our radiological monitoring. In addition, it was noted that there was some public concern over community members not being able to monitor air quality themselves.

- NYC Mayoral Office & Agencies: This issue rests with the NYPD and the latest draft of the legislation clarifies that such devices are exempt from any permitting and enforcement provisions of the bill.

Solid Waste

Representatives from a number of communities – Morningside Heights, West Harlem, the South Bronx and Greenpoint/Williamsburg, among others – raised long-standing issues related to the movement and disposal of solid waste. Various participants spoke about the importance of increasing the City's recycling rates.

- EPA: The NYC Department of Sanitation has the lead role with respect to neighborhood solid waste concerns, and NYSDEC has an oversight role. The Mayor's Office of Recycling Education and Outreach (<http://www.cenyc.org/recycling>) is available to respond to specific inquiries concerning recycling rates. The Manhattan office can be reached at (212)788-7989. Though EPA's role is limited, we are available to participate in any scheduled meeting with local communities.
- NYSDEC: The NYSDEC EJ Community Impacts Grant Program is currently funding a pilot public housing recycling program in Morningside Heights.

South Bronx

A South Bronx community member discussed long-standing concerns about the operating permit for the New York Organic Fertilizer Co. (NYOFCO) and a perceived lack of enforcement at the facility. Another requested that the New York State Department of Environmental Conservation consider cumulative risk impacts during its State Environmental Quality Review Act (SEQRA) process.

- EPA: Region 2 inspected the facility in March 2009 and found deficiencies in NYOFCO's sampling protocols, which the facility has subsequently corrected.
- NYC Mayoral Office & Agencies: NYOFCO was issued its Solid Waste Permit in October 2008. Its Title 5 permit (air) has not yet been approved by EPA. NYSDEC has mandated that NYOFCO implement an independent odor monitoring service (OMS). The OMS will be staffed by an independent source namely, Odor Science and Engineering, and will operate 24/7 in English and Spanish. Odor Science and Engineering will respond to all complaints by investigating and reporting on the outcome of such investigations, which will be

available to the public. This plan will be submitted as part of NYOFCO's Title 5 application and will be implemented while it awaits permit approval from EPA.

Should the public have any questions, comments, or concerns, they may call 311. Presently, when the public contacts 311 regarding odors emanating from either NYOFCO or the Hunts Point Waste Water Treatment plant, the complaint is flagged by 311 and immediately routed to DEP, where the agency determines the appropriate action on the complaint. In instances where the odor is emanating from NYOFCO, DEP notifies the plant's personnel at NYOFCO as well as its internal Bureau of Environmental Compliance.

Staten Island – North Shore

At the EJ listening session, residents of the North Shore section of Staten Island brought a wide range of issues and concerns to the attention of government representatives.

Brownfields:

One area representative voiced a concern about the rate of brownfields redevelopment, especially along coastal areas.

- **EPA:** EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA's Brownfields Program provides financial and technical assistance for brownfields activities through an approach based on four main goals: protect the environment; promote partnerships, strengthen the marketplace and sustain reuse.
- **NYC Mayoral Office & Agencies:** New York City laws and regulations generally allow development to proceed as-of-right, meaning that special approvals are not required as long as the development complies with zoning and does not require any discretionary action by the City Planning Commission or Board of Standards and Appeals. The Mayor's Office of Environmental Remediation's program for brownfields cleanup is designed to encourage voluntary participation – through predictable procedures, broad eligibility, liability relief, and financial incentives.

Estuaries:

Specific issues were raised about the protection of tidal estuaries including Mill Creek and Lemon Creek.

- EPA: EPA has a major concerted effort to restore the water quality of the Hudson/Raritan estuary through the umbrella of the *Harbor Estuary Program*. One goal is to have fish “safe to eat” in these waters. Total Maximum Daily Loads (TMDLs), which are pollution budgets, are being developed to address toxics and pathogen problems. EPA also implements an effective *Floatables Action Program* annually that includes surveillance of the harbor for floatable debris and oil slicks, six days a week. If slicks are observed, skimmer boats are sent out to recover the debris to prevent wash-ups on the coastlines.

NYSDEC reissued its stormwater general permit for construction activities in April 2008. The permit requires applicants to delineate federal and state wetlands and any activities that may encroach upon them. This should go some way to addressing this issue. EPA and the U.S. Army Corps of Engineers (ACE) handle the federal wetlands program (404) and use the 404(b)(1) guidelines to avoid impacts on wetlands in the federal permit review process; both agencies have enforcement authorities that cover unauthorized filling in federal wetlands.

In January 2008, the Mayor’s Office announced the PlaNYC Report on Protecting New York City Wetlands (<http://www.nyc.gov/html/planyc2030/html/news/news.shtml>). The report noted concerns about gaps in wetlands regulatory protection, historic and current detrimental impacts to wetlands conditions, and the city’s intent to research and review policy options to enhance wetlands protection, invest in wetlands restoration and pursue wetlands purchase and transfer to the NYC Department of Parks and Recreation. The city is obtaining satellite and aerial images, to be field-verified, so that it will have detailed digital maps providing a more precise reference on the scale and size of remaining unprotected wetlands. The NYC Department of Parks and Recreation and NYCDEP have been recipients of Wetland Program Development (WPD), National Estuary Program and 319 grants. The Request for Proposals for 2009 Wetland Program Development Grants recently closed on July 7, 2009. WPG grants are directed toward enabling state, local and tribal governments in the development and/or refinement of wetland protection programs.

Radiation:

A resident expressed concerns over the lack of government response involving a site that may emit radiation.

- EPA: On February 20, 2008, EPA and NYSDEC staff re-visited the site. EPA is in the process of completing a site investigation for removal action consideration. The result of the investigation confirms earlier findings that

there are no immediate risks to public health or safety as long as the integrity of a perimeter fence, which was erected to eliminate inadvertent trespassers from the site, is maintained. The fence is currently in very good shape providing a barrier to prevent activity such as unauthorized use or trespassing. A small surface area of contamination with limited access has been identified on a portion of the site that needs further remediation. In the future, a decision will be made on several alternative remediation measures that will continue to be protective of public health. Those decisions will be made by EPA in consultation with the Department of Energy, NYSDEC and NYC. It is noted that the property in question is located adjacent to property owned and maintained by the NY/NJ Port Authority.

Water Quality and Fish Consumption:

- EPA: EPA has a major concerted effort to restore the water quality of the Hudson/Raritan estuary through the umbrella of the *Harbor Estuary Program*. One goal is to have fish “safe to eat” in these waters. Total Maximum Daily Loads (TMDLs) are being developed to address toxics and pathogen problems. EPA also implements an effective *Floatables Action* program annually that includes surveillance of the Harbor for floatable debris and oil slicks, six days a week. If slicks are observed, skimmer boats are sent out to recover the debris to prevent wash-ups on the coast lines. In regard to the issuance of fish consumption advisories, this falls under the jurisdiction of New York State, specifically NYSDOH.
- NYSDEC: Through its longstanding fish advisory program, NYSDOH has provided anglers and others who eat NYS sportfish with advice on how to reduce their exposures to chemical contaminants in sportfish. However, based on the results of angler surveys, it is known that some anglers are not aware of the advisories and/or do not choose to follow them. Research suggests that this also varies by ethnicity and income. About 69 percent of Caucasian anglers said they were aware of Hudson River fish advisories, but only 22 percent of African-Americans and 13 percent of Latinos were aware. And only about one-third of people in the lowest income brackets reported knowing about the advisories. To address this need, NYSDOH staff seeks to work with community-based partners to raise awareness about fish advisories, increase understanding about the key messages and change fish-eating practices to reduce exposures to contaminants. One such effort is the recently funded Hudson River Fish Advisory Outreach Project, a multi-year, \$3 million program. The program includes mini grants to support local partnerships. NYSDOH staff held a series of stakeholder meetings at a variety of locations along the Hudson River to encourage dialogue around successful strategies at the community level to increase the number of anglers who follow the advisories. The grants program is aimed at identifying innovative outreach ideas that are based on local knowledge of community culture. More information about these projects can be found on the web at:

http://nyhealth.gov/environmental/outdoors/fish/udson_river/advisory_outreach_project/.

Wetlands:

- EPA: EPA activities and authorities related to wetlands protection are covered on page 33, under “Estuaries.”
- NYSDEC: Tidal wetlands (covered in article 25 of the Tidal Wetlands Land Use Regulations) can have buffers up to 300 feet. Freshwater wetlands (covered in Article 24) have 100 foot buffers. However, NYSDEC can extend adjacent area boundaries for wetlands covered under Article 24, if warranted, to protect the wetland. Specific recommendations for extending the adjacent area boundary for particular wetlands will be evaluated by NYSDEC’s wetlands staff. Proposals to expand the area adjacent to a wetland should be sent to the appropriate regional habitat manager or regional wildlife manager. The proposal should include the wetland number (if known) and location. The proposal should also include justification for extending the adjacent area, including the reasons the extended adjacent area is needed to protect the benefits and functions of the wetlands. NYSDEC is currently drafting revisions to 6 NYCRR, Part 664, Freshwater Wetlands Maps and Classifications. While the topic of incorporating the usage of wetlands for fishing, hunting, and recreation into the classification has not been discussed, NYSDEC will continue to investigate mechanisms for providing higher classification to wetlands occurring in urban areas. When a draft is finalized, it will be made available for public comment.

NYSDEC will pursue mechanisms to keep track of fines and fees stemming from Articles 15 and 24 violations and investigate whether fees can go into an account that can be used to improve program delivery or mitigate violations.

Zoning:

- NYC Mayoral Office & Agencies: While many zoning regulations have been in place for a long time, zoning is continually updated. Since 2002, over one-sixth of New York City has been rezoned. NYC is one of the few cities that allows for as-of-right development, which allows it to be very responsive to the changing world and market. The city’s Uniform Land Use Review Procedure (ULURP) process is designed to serve the very important function of allowing public input into influential land use decisions.

The Department of Buildings is responsible for enforcing compliance with the zoning. DOB has taken many steps to increase enforcement, accountability, and the ability of the community to identify potential building code and zoning

violations with measures such as increased transparency in the building permitting system and recent changes allowing challenges to permits.

Most of the city's heavy manufacturing districts are buffered from residential districts by light manufacturing or other districts. Light industrial districts, which include stricter regulations regarding emissions and enclosure of industrial operations, are increasingly characterized by a mix of uses that also include commercial and office activity. Moreover, in a dense, substantially built-out city such as New York, wide buffers cannot be created without disruption to existing residents and businesses.

Toxic Release Inventory

A concern was voiced about community impacts of new reporting rules for the annual release of the Toxic Release Inventory (TRI), which one speaker asserted reduces the number of facilities that must report and the types of chemicals emitted. Another asked how communities can assess and prioritize risks if they don't have access to the data to help them make those judgments.

- **EPA:** Toxic Release Inventory (TRI) reporting is limited by law to only include certain sectors (e.g. manufacturers, electric generating facilities, mines and others) that exceed identified TRI chemical manufacturing, processing, or other use thresholds. However, information from TRI can be used to determine the type of chemicals certain sectors use by providing a general understanding of the type of pollutants these sectors may be releasing in neighborhoods. In addition, a previous rule that allowed more facilities to provide less information on chemical releases was “taken back” in April 2009, restoring previous reporting requirements. TRI data is publicly available through the internet (<http://www.epa.gov/TRI/>) and communities can contact EPA Region 2's TRI Coordinator at (732) 906-6890 for additional information.
- **NYSDEC:** NYSDEC will develop an air quality plan that takes a critical look at air toxics. NYSDEC is engaged in a ‘first-of-a-kind’ multi-pollutant air quality planning project with EPA called the Air Quality Management Plan (AQMP). NYSDEC's goal for the AQMP project is to develop an all-encompassing air quality plan that will look holistically at air quality planning by including criteria air pollutants, air toxics, climate change, transportation, energy and environmental justice. EPA is intending to use this project to create a national model for integrated air quality planning and New York State has been chosen as one of the three areas nationally with North Carolina and St. Louis metropolitan area. NYSDEC is including hazardous air pollutants (HAPs) in its planning project. The project is in the conceptual model design phase and will involve stakeholders, including the environmental justice community, in the AQMP development process.

Current proposed revisions to 6 NYCRR Part 201, address air toxic emissions from smaller facilities, those with a state facility permit or registration certificate. Specifically, changes to Subpart 201-3, Exemptions and Trivial Activities, introduce a subset of State Hazardous Air Pollutants (SHAPs), entitled Priority SHAPs (P-SHAPs), each with their own negligible emission limits (pounds per year). The P-SHAP list is comprised of chemicals that represent a public health concern at low emission rates. The list was identified by selecting urban air toxics (identified in CAAA Section 112(K)) and/or those that have been assigned a High Toxicity classification under Guidelines for the Control of Toxic Ambient Air Contaminants (DAR-1).

Current proposed revisions to 6 NYCRR Part 212, address toxic emissions from large facilities, those with Title V permits. The proposal will result in an improved emissions inventory collection and an enhanced risk screening ability to ensure all permits and registrations issued by NYSDEC are protective of public health and the environment. The proposal also will aide NYSDEC in developing comprehensive air pollution management and risk education strategies in urban areas and communities across New York, including environmental justice communities. The proposal will also provide a state regulatory backstop to the federal program to address deficiencies in the federal program and will enable NYSDEC to address specific air toxics issues that are unique to New York. In summary, the most important aspect of the proposed revisions is development of a database for the continuation of forty years or work on researching, documenting, and developing an understanding of the environmental causation of morbidity and mortality and environmental change.

Wastewater Treatment

A participant from West Harlem raised issues related to the location and operation of the wastewater treatment plant in the neighborhood.

- EPA: The NYCDEP maintains a Web site that provides historical information, including siting decisions, relative to the North River Wastewater Treatment Plant. In addition, a thorough description of its various operational processes is provided (http://www.nyc.gov/html/dep/html/harbor_water/northri.shtml)

Water Quality

One participant urged government to take actions to meet standards for water quality that would allow rivers to be considered “swimmable.”

- EPA: EPA is working closely with NYC and NYSDEC on the implementation of NYC’s combined sewer system long-term control program to substantially

improve surface water quality in and around the city. EPA's goal is the attainment of existing water quality standards and to "upgrade" the standards, when possible. EPA will continue to participate in community meetings at which these issues are discussed.

Yankee Stadium

A concern was raised about the impacts on the neighborhood of the construction of the new Yankee Stadium in the Bronx.

- NYC Mayoral Office & Agencies: Construction of the new Yankee Stadium started in the summer of 2006 and the new facility opened in April 2009. Environmental impacts of the construction on the northwest Bronx and northern Manhattan were mitigated and monitored throughout the job. NYC Department of Transportation reviewed and issued permits that regulated truck delivery to and from the construction site, with limits placed on use of certain roads, hours and number of trucks. NYC Department of Environmental Protection monitored the job site conditions to ensure that proper dust management techniques were used, as was the use of low-sulfur diesel fuel, which is an environmental standard, as well as compliance with noise mitigation plans. NYC DOB regulated the building permits to ensure that construction work was done within permitted hours and ensured that any authorized requests for overtime hours resulted in benefits to the community of a shorter overall duration of the work.

During the baseball season, the traffic plan for the area was modified to adjust to the reduction of parking in the area due to construction and additional lots were opened and a campaign to promote the use of public transportation was led by the Mayor. In the spring of 2009, the New MTA Metro North Station opened, which increased opportunities for commuters to take public transportation to Yankee games. During the same period, two open-air indoor parking garages opened, which were located to consolidate the parking in a central location. This new parking arrangement reduces the impact of traffic circulating on local streets to find parking spots.